

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

JACOBUS A. ODYK,	)	CV 04-199-M-DWM
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
EDWARD MCLEAN, et al.,	)	
	)	
	)	
Defendants.	)	
_____	)	

United States Magistrate Judge Leif B. Erickson entered his Findings and Recommendation in this matter on May 24, 2006. Plaintiff Odyk did not timely object and so has waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Odyk filed the Complaint and his motion to proceed *in forma pauperis* on September 29, 2004 and the Court has not heard from

him since then. He has repeatedly failed to comply with this Court's orders to update his address and show cause why the case should not be dismissed. There is no need to recount the details of Judge Erickson's Findings-it suffices to note that Odyk has not done his part to expeditiously resolve this matter and he has not been prejudiced. Consequently dismissal is appropriate.

Accordingly based on the foregoing, IT IS HEREBY ORDERED that Judge Erickson's Findings and Recommendation (dkt #8) are adopted in full; and

IT IS FURTHER ORDERED that Plaintiff's Complaint (dkt #1) is DISMISSED.

DATED this 4th day of August, 2006.

/s/ Donald W. Molloy  
Donald W. Molloy, Chief Judge  
United States District Court